

Notice of Allowability

Application No.

10/051,338

Examiner

Robert M. Pond

Applicant(s)

CHAUVIN ET AL.

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment (3/12/07); Interview (20070522); Examiner's Amendment (20070517).
2. ☒ The allowed claim(s) is/are 1,4-10 and 13-19.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 20070522.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Robert M. Pond
Primary Examiner

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization

Authorization for this examiner's amendment was given in an electronic mail communication with Mr. Frank Pincelli, #27,370 on 22 May 2007.

Allowed Claims

Claims 1, 4-10, and 13-19 entered 12 March 2007 are allowed. The Applicant canceled claims 2, 3, 11, and 12.

In the Claims

The claims entered 12 March 2007 are amended as follows:

- Delete claim 1 in its entirety and insert therefore:
 - -1. A method for ordering digital photo services over a communication network comprising:
 - maintaining a registry of a plurality of photo service providers and business entities on a server;

associating a selection of offerings of goods and services with respect to each of said plurality of photo service providers;

communicating with a plurality of order terminals over said communications network by said server, each of said order terminals being associated with one of the plurality of business entities, wherein said association identifies said business entity that controls said each of said order terminals;

maintaining information on said server with respect to business relationships between said plurality of photo service providers and said plurality of business entities;

transmitting an offer for said desired good or service on behalf of two or more of said plurality of photo service providers from said server to one of said order terminals, wherein said offer presented at said order terminal is based on said business relationships between said business entity who controls said order terminal and said plurality of photo service providers; and

selecting the desired good or service by a user of said order terminal.- -

- Delete claim 5 in its entirety and insert therefore:

- -Claim 5. The method according to claim 1 wherein said order terminal comprises one of the following:

an automated teller machine;

a photo kiosk;

a personal computer;

a wireless imaging device;
a cell phone;
a personal digital assistance; and
wireless devices.- -

- Claim 6, claim line 3, after "store" insert therefore: - -;- -
- Claim 6, claim line 4, after "device" insert therefore: - -;- -
- Claim 6, claim line 5, after "owner" insert therefore: - -.- -
- Claim 7, claim line 5, after "images;" insert therefore: - -and- -
- Delete claim 10 in its entirety and insert therefore:

- -10. A system for facilitating ordering digital photo services over a communication network by a user among a plurality of photo service providers from a plurality of order terminals comprising:

a control server maintaining a registry of a plurality of service providers and business entities, said control server maintaining information with respect to business relationships between said plurality of photo service providers and said plurality of business entities, and said control server maintaining offerings of goods and services by said plurality of said service providers;

a plurality of order terminals in communication with said control server over said communication network, each of said order terminals being associated at said control server with one of said plurality of business entities, wherein said association identifies said business entity that controls said each of said order terminals;

a communication device of said control system communicating with said plurality of order terminals over said communication network, each of said order terminals being used by said user displaying a selection of offerings with respect to two or more of said plurality of service providers based on said business relationships and the selection of a desired goods or services by said user of said order terminal, wherein said selection of offerings displayed at said order terminal is based on said business relationships between said business entity who controls said order terminal and said plurality of photo service providers.- -

- Delete claim 14 in its entirety and insert therefore:

- -Claim 14. The system according to claim 10 wherein said order terminal being used by said user comprises one of the following:

an automated teller machine;
a photo kiosk;
a personal computer;
a wireless imaging device;
a cell phone;
a personal digital assistance; and
wireless devices.- -

- Claim 15, claim line 3, after "store" insert therefore: - -;- -
- Claim 15, claim line 4, after "device" insert therefore: - -;- -
- Claim 16, claim line 6, after "images;" insert therefore: - -and- -

- Delete claim 19 in its entirety and insert therefore:

- -Claim 19. A computer software program having instructions such when loaded on to a computer said program executes a method for ordering digital photo services over a communication network among a plurality of photo service providers from a plurality of order terminals, said program instructions comprising:

maintaining a registry of a plurality of photo service providers and business entities on a server;

associating a selection of offerings of goods and services with respect to each of said plurality of photo service providers;

communicating with a plurality of order terminals over said communications network by said server, each of said order terminals being associated with one of the plurality of business entities, wherein said association identifies said business entity that controls said each of said order terminals;

maintaining information on said server with respect to business relationships between said plurality of photo service providers and said plurality of business entities;

transmitting an offer for said desired good or service on behalf of two or more of said plurality of photo service providers from said server to one of said order terminals, wherein said offer presented at said order terminal is

based on said business relationships between said business entity who controls said order terminal and said plurality of photo service providers; and selecting the desired good or service by a user of said order terminal.- -

Reasons for Allowability

The field of invention pertains to a system and method for offering goods or services over a communications network from a central computer.

Pertaining to method claim 1: The claimed invention maintains a registry of business entities and photo service providers and maintains the business relationships between a business entity controlling a buyer's order terminal and the photo service providers. The offers presented at the order terminal and selections of goods or services are based on the business relationships between the business entity controlling the order terminal and the photo service providers. A potential use of the claimed invention allows the placement of e-commerce hub order terminals on the premises of a participating business entity (e.g. a pharmacy) without fear that shoppers would visit the store and purchase products from online competitors. For example, a shopper can enter a pharmacy, use the order terminal controlled by the pharmacy and receive offers and select goods or services from photo service providers based on the business relationship between the pharmacy and the photo service providers managed by the hub computer.

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Pertaining to system and software program claims 10 and 19: The same rationale as noted above applies.

Closest US Patent- Clark (US 6,351,738)

Clark discloses participants, suppliers, and customers conducting business via an electronic commerce hub. Clark neither alone or in combination with supporting prior art teaches the combination of communicating with a plurality of order terminals over said communications network by said server, each of said order terminals being associated with one of the plurality of business entities, wherein said association identifies said business entity that controls said each of said order terminals; maintaining information on said server with respect to business relationships between said plurality of photo service providers and said plurality of business entities; and transmitting an offer for said desired good or service on behalf of two or more of said plurality of photo service providers from said server to one of said order terminals, wherein said offer presented at said order terminal is based on said business relationships between said business entity who controls said order terminal and said plurality of photo service providers.

Forward and backward citations of Clark failed to produce prior art that teach and suggest the claimed invention.

Closest Non-patent literature- Photochannel (Paper #PTO-892)

PhotoChannel teaches a system and method of online shopping for cameras, accessories and supplies, photo sharing, and providing photo print services for film and digital photography enthusiasts available at www.photochannel.com.

PhotoChannel teaches PhotoChannel offering lifetime archiving and online editing of pictures for home or office computer users and network members, print order origination including home or office computer users, various portals and online communities featuring photo sharing as well as traditional brick and mortar retailers PhotoChannel teaches PhotoChannel's open, global digital imaging network that provides a secure private network to link digital minilabs and digital photo kiosks worldwide to consumers, retailers, online portals, and online communities with photo sharing features.

PhotoChannel neither alone or in combination with supporting prior art teaches the combination of communicating with a plurality of order terminals over said communications network by said server, each of said order terminals being associated with one of the plurality of business entities, wherein said association identifies said business entity that controls said each of said order terminals; maintaining information on said server with respect to business relationships between said plurality of photo service providers and said plurality of business entities; and transmitting an offer for said desired good or service on behalf of two or more of said plurality of photo service providers from said server to one of said order terminals, wherein said offer presented at said order terminal is based on said business relationships between said business entity who controls said order terminal and said plurality of photo service providers.

Closest Foreign Patent Prior Art- Bolla (WO 200057332)

Bolla discloses a central hub server connecting affiliate web sites and vendor web sites to execute sales of vendor products featured on the affiliate web sites. Bolla neither alone or in combination with supporting prior art teaches the combination of communicating with a plurality of order terminals over said communications network by said server, each of said order terminals being associated with one of the plurality of business entities, wherein said association identifies said business entity that controls said each of said order terminals; maintaining information on said server with respect to business relationships between said plurality of photo service providers and said plurality of business entities; and transmitting an offer for said desired good or service on behalf of two or more of said plurality of photo service providers from said server to one of said order terminals, wherein said offer presented at said order terminal is based on said business relationships between said business entity who controls said order terminal and said plurality of photo service providers.

Conclusion

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert M. Pond whose telephone number is 571-272-6760. The examiner can normally be reached on 8:30AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Jeff Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service

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Representative or access to the automated information system, call 800-786-

9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'Robert M. Pond', written in a cursive style.

Robert M. Pond
Primary Examiner
May 29, 2007